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Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Fifth periodic report of States parties*

Addendum

United Kingdom of Great Britain and Northern Ireland** (Isle of Man)

* For the initial report submitted by the Government of the United Kingdom and Northern Ireland see CEDAW/C/5/Add.52 and Amend.1-4, which was considered by the Committee at its ninth session. For the second periodic report submitted by the Government of the United Kingdom, see CEDAW/C/UK/2 and Amend.1, which was considered by the Committee at its twelfth session. For the third periodic report submitted by the Government of the United Kingdom, see CEDAW/C/UK/3/Add.1 and Add.2, which was considered by the Committee at its twenty-first session. For the fourth periodic report submitted by the Government of the United Kingdom and Northern Ireland see CEDAW/C/ UK/4/Add.1-4, which was considered by the Committee at its twenty-first session. For the fifth periodic report submitted by the Government of the United Kingdom, see CEDAW/C/UK/5.

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UNITED NATIONS CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Isle of Man Government

Update Report on the Implementation of the Convention in the Isle of Man

February 2003

PART I – GENERAL BACKGROUND

1. A general political, legal, social and economic description of the Isle of Man is set out in Appendix XII to the Core Document of the Overseas Territories and Crown Dependencies of the United Kingdom (HRI/CORE/1/Add.62 of January 1996) as supplemented by Part I of the Initial Report for the Isle of Man (CEDAW/C/5/Add.52/Amend.3)

2. This Report contains comprehensive information on developments concerning the implementation of the Convention since the Report in respect of the Isle of Man: 1999.

Population

3. The population of the Isle of Man has continued to rise. The resident population at the last census of April 2001 was 76,315, representing an increase of 6.4% on the 1996 Interim Census figure. The resident population was comprised of 37,372 males and 38,843 females.

Economy

4. The number of economically active individuals increased to 39,685 and those employed increased to 39,050, leaving those unemployed at 635 (262 females, 373 males). The increase in the number of females employed was 16% whereas the males employed increased by 12%. Females now account for just over 45% of the employed population.

5. Males are still more likely to be in full-time employment or self-employment than females. Females account for 83% of part-time positions. The most frequent reason for not being in work, for both genders, was retirement. The number of females out of work because they are looking after the home and family has been declining over the past decade from 6,733 in 1991 and 4,975 in 1996 to 2,934 in 2001.

6. A copy of the Isle of Man Census Report, which contains much detailed information disaggregated by gender, is attached to this Report at Annex I.

Government and Law

7. The office of an additional High Court Judge, the Deputy Deemster has been established. The Deputy Deemster has specific responsibility for family matters. The full-time office of Deputy High Bailiff has been removed and instead it is proposed to establish an office of Judicial Officer, who will hold the posts of Small Claims Arbitrator and Deputy High Bailiff. The limit for claims under the Small Claims Arbitration system has been raised to £5,000.

Legal and other Measures

8. The Employment (Sex Discrimination) Act 2000, the Human Rights Act 2001 and Children and Young Persons Act 2001 are important new pieces of legislation. The Matrimonial

Proceeding Act 2001 and Criminal Justice Act 2002 have also been introduced. Further information concerning these Acts is provided in Part II of this Report.

Beijing Declaration and Platform for Action

9. The Isle of Man Government accepts the importance of worldwide action in the twelve critical areas of concern set out in chapter III of the Platform for Action. In those areas that are relevant to the situation in the Isle of Man, the Government would wish to see the elimination of any problems that may exist. The Isle of Man Government is committed to the equality of treatment of all people on the Isle of Man, and equal access of women and men to all areas, and at all levels, of life on the Isle of Man. Some specific examples are outlined in part II of this report.

PART II – SPECIFIC ARTICLES

Article 3

10. The Human Rights Act 2001, which is anticipated to come into force during 2003, will implement the substantive provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms in Manx law. Among the rights to be incorporated in Manx law is that enshrined in Article 14, namely the right not to be discriminated against on any grounds, including sex, in the enjoyment of the rights and freedoms set forth in the Convention. A Human Rights Officer has been appointed to prepare the Isle of Man Government, the Judiciary, local authorities and the general public for the introduction of the Act into force. A copy of this Act is attached at Annex II.

Article 4

11. The Employment (Sex Discrimination) Act 2000 s.26 makes it unlawful to discriminate on the grounds of sex in the provision of training courses, except where there are no, or very few, females (or males) doing the work in question and the object of the course is to help or encourage them to get employment in that area. A copy of this Act is attached at Annex III.

Article 6

12. The Sexual Offences Act 1967 has been replaced by the Sexual Offences Act 1992, which is in similar form thereto. The offences of rape and attempted rape now carry the same maximum penalty, namely life imprisonment.

13. The Criminal Justice Act 2001, *inter alia*, allows for the introduction of a sexual offenders register. Under the Act a person who has committed a sexual offence, as specified, in a place other than the Isle of Man may also be placed on the Isle of Man register. A copy of this Act is attached at Annex IV.

14. The following sexual offences were reported to the Isle of Man Constabulary during the period 1 April 2001 to 31 March 2002:

Offence	Number reported	Number detected	No Crime
Rape	14	4	2
Attempted rape	4	2	
Indecent Assault	38	14	
Intercourse with under 16 year old	2	2	
Indecency with children	21	8	1
Incest	1		
Bigamy	1		
Procuration	1	1	1

Article 7

15. Presently there are three women out of twenty four members in the popularly elected House of Keys and one of the ten members of the Legislative Council (eight members elected by the House of Keys plus HM Attorney General and the Isle of Man Bishop) is female. Two out of the ten members who form the Council of Ministers are female. At local authority level participation by women is presently at 28% (118 men, 46 women).

16. The Isle of Man Government has a declared Equal Opportunities policy. Discrimination of any kind is prohibited in the recruitment and selection procedures and a framework exists for the reporting and prevention of discrimination and sexual harassment in the workplace. Equal pay for men and women continues to be a feature for equivalent level appointments in the Public Service. Annex V contains a table of Civil Service employees by sex and pay-span. With effect from November 2002 a woman has been appointed to be the Head of the Civil Service (the Chief Secretary) on the Island.

Article 10

17. In 2002 there were approximately 12,045 children attending the thirty five primary and five secondary schools on the Isle of Man. There were 6,679 pupils in primary school, of which 3,427 were boys and 3,252 were girls. No breakdown by sex is available for the 5,366 pupils attending secondary school. 10,344 students (3,651 boys and 6,693 girls) attended courses at the Isle of Man College. There is also one (fee charging) independent school which is open to both boys and girls.

18. 1,303 students (596 male and 707 female) receive education grants from the Department of Education, 992 of which (459 male and 533 female) were in respect of degree courses in the United Kingdom.

19. For a four year trial period, science was taught as a single sex subject at St. Ninian's High School. This is a subject in which boys have traditionally performed better than girls, and the purpose of the trial was to see if girls did better if they did not feel they were in competition with boys. However, as no significant difference was found in the grades achieved the trial has been discontinued.

Article 11

Employment

20. The following table gives a breakdown by sex and occupation of the employment situation on the Isle of Man at the time of the 2001 Census.

Occupation	Females	Males	Total
Corporate managers	1594	3310	4904
Managers or proprietors in agriculture and services	557	904	1461
Science and technology professionals	119	668	787
Health professionals	106	183	289
Teaching and research professionals	764	425	1189
Business and public services professionals	362	723	1085
Science and technology associate professionals	116	438	554
Health and welfare services associate professionals	918	197	1115
Business and public services associate professionals	213	655	868
Other associate professionals	905	1190	2095
Administrative occupations	3907	2012	5949
Secretarial and related occupations	1625	80	1705
Skilled agricultural and trade	103	881	984
Skilled metal and electrical trades	27	1672	1699
Skilled construction and building trades	27	2127	2154
Other skilled trades	270	553	823
Personal service occupations	2223	418	2641
Sales and customer service occupations	1916	829	2745
Process plant and machine operatives	277	750	1027
Transport and mobile machine drivers and operatives	78	1227	1305
Elementary trade plant and storage occupations	76	1042	1118
Elementary administration and service occupations	1538	1015	2553
Total employed	17751	21299	39050
Unemployed, seeking work	262	373	635
Total economically active population	18013	21672	39685
Percentage	45	55	100

Legislation

21. The Employment (Sex Discrimination) Act 2000 came into force on 17 October 2001. The introduction of the Act was supported by the appointment of an officer to promote the Act and associated good practices.

22. Part 1 of the Act deals with equal pay, and is based on the United Kingdom's Equal Pay Act 1970. It implies in every woman's contract of employment a term that she will be treated no less favourably than a man if she is engaged in like work, or work rated as equivalent, to his.

23. Part 2 of the Act deals with other aspects of discrimination in employment, and is based on Parts II, IV, V and VII of the UK Sex Discrimination Act 1975, i.e. those provisions relating to employment. It makes unlawful both direct discrimination (i.e. treating a person less favourably on the grounds of sex) and indirect discrimination (i.e. applying to all persons unjustifiable conditions which fewer women than men can comply with, or vice versa). It covers not only sex discrimination but also discrimination on the grounds of marital status, and applies not only to employers but also to persons engaging contract workers, partnerships, trade unions, employment agencies and bodies conferring qualifications.

24. The Department of Trade & Industry has recently carried out a consultation exercise intended as a review of rights for working parents. The consultation document laid out a number of options in respect of the following areas:

- Maternity and paternity leave;
- Adoptive parents' rights;
- Parental leave;
- Right to request flexible working hours.

The Department is reviewing all these issues with a view to underpinning the rights of working parents and supporting the retention of working mothers in the economy. It is intended that any changes will be introduced via the Employment (Amendment) Bill, which it is due to be considered during the 2003/4 legislative session.

Training

25. As indicated under Article 4 above, the Employment (Sex Discrimination) Act 2000 makes it unlawful to discriminate on the grounds of sex in the provision of training courses, except where the purpose of the course is to help or encourage females (or males) in a particular occupation where that gender is strongly underrepresented.

26. The percentages of women on training schemes funded by the Department of Trade and Industry as at September 2002 were as follows:

Agriculture	38%
Animation/Multi Media	40%
Catering	40%
Chefs	73%
Construction	2%
Hairdressing	96%
Travel & Tourism	85%
Engineering	12%
Office Technology	58%
Sea Fishing	0%
Small Business Start-up Scheme	44%

Article 12

Health Services

27. A comprehensive range of maternity services is provided by Health Services from early pregnancy through to up to 28 days after birth, with support for parental education, specialist feeding needs and parents with special needs. The service is led by three consultant staff.

There is a specialised clinic providing care for mothers with diabetes, and active partnerships with Mental Health and Social Services. Alert systems for mother and child non-accidental injury are in place. An all-Island Infant Feeding Strategy is in the process of development.

28. Local provision of neonatal intensive care is of a higher level than might be expected from the isolated situation of the Island. The staff of three consultant paediatricians includes one specialist neonatologist. However, current trends in attitude towards isolated specialist services may pose problems in the future for maintaining this service. Should the service cease, there would be a significant increase in transfers of mothers in late pregnancy to the United Kingdom for specialised care.

29. All women with children aged under five years are allocated a Health Visitor. There is a special interest in the early detection and treatment of postnatal depression.

30. A comprehensive Sexual Health Strategy has recently been completed. Family planning services continue to be provided through General Practitioners or through the Genito-Urinary Medicine (GUM) service.

Article 13

31. The Isle of Man still maintains its reservation concerning the tax status of married women under this Article. At present when a married couple is assessed jointly for Income Tax liability, that liability falls to the husband and any refund would be paid to him. The husband must sign the form. However, as part of the Isle of Man Government's Tax Strategy, it is proposed to make a married couple equal partners – "jointly and severally liable" – by April 2004. At this point it should be possible for the Isle of Man's reservation to be withdrawn.

Article 16

32. The Children and Young Persons Act 2001 has been passed. This Act re-enacts Parts I and II of the Family Law Act 1991, reforms the law relating to children and enables help to be given to children in danger or in need. It also, amongst other issues, makes new provision for human fertilisation, embryology and surragacy. A copy of this Act is attached at Annex VI.

33. The Act states that Courts in deciding upon issues concerning the upbringing of a child, or in dealing with matters of the child's income or property, that the welfare of the child should be paramount. This principle is used in deciding other issues such as adoption and wardship, and is used by Social Services in its operational policies relating to social work with children, young people and their families.

34. The Matrimonial Proceedings Act 2001 has also been passed. This Act re-enacts Part II of the Judicature (Matrimonial Causes) Act 1976 and Part III of the Matrimonial Proceedings Act 1986; makes new provision for the sharing of pensions on the dissolution or annulment of marriage, and enables reciprocal provision to be made for the enforcement of certain financial orders. A copy of this Act is attached at Annex VII.

October 2002